

Deposition of John Lendrum, taken September 27, 2017

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO - WESTERN DIVISION

SANDRA GOODSITE,)
)
PLAINTIFF,)
)
) JUDGE JEFFREY J. HELMICK
vs.) CASE NO. 3:16-cv-02486
)
BOARD OF EDUCATION OF THE)
NORWALK CITY SCHOOL)
DISTRICT,)
)
DEFENDANT.)

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THE DEPOSITION OF JOHN A. LENDRUM
WEDNESDAY, SEPTEMBER 27, 2017
- - - - -

The deposition of JOHN A. LENDRUM, called by the Plaintiff for examination pursuant to the Federal Rules of Civil Procedure, taken before me, the undersigned, Sarah R. Drown, Notary Public within and for the State of Ohio, taken at the offices of McCarthy, Lebit, Crystal & Liffman Co., LPA, 1800 Midland Building, 101 West Prospect Avenue, Cleveland, commencing at 10:03 a.m., the day and date above set forth.

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1 can't take it down if we're speaking at the
2 same time. So if that should happen, I may go
3 back and repeat myself, just so we're sure that
4 we have a clear record, okay?

5 A Okay.

6 (Plaintiff's Exhibit 1 was marked.)

7 Q I am going to play a voicemail, and then I'm
8 going to ask you some questions about it. I
9 have had my assistant transcribe the voicemail
10 and I'm handing you that now. It's been marked
11 as Exhibit 1.

12 (Audio recording played.)

13 Q The first question that I have is: Was that
14 your voice on the voicemail?

15 A Yes, it was.

16 Q Okay. Is that a voicemail that you left for
17 Sue Goodsite?

18 A I left that message. That's my voice. I don't
19 know what I left it on, but it's definitely me
20 talking.

21 Q Does Lendrum Exhibit 1 accurately transcribe
22 what you said on that voicemail?

23 A Yes.

24 Q Did you write out what you were going to say
25 before you said it?

1 winning a designation as a School of Promise?

2 A I remember when Pleasant got a School of
3 Promise designation, but I couldn't tell you
4 when it was.

5 Q Was that something that was considered a
6 positive?

7 MR. HIRT: Objection.
8 You can answer.

9 A Yes. Any time a school's recognized it's
10 positive.

11 Q Was it kind of a big deal?

12 MR. HIRT: Objection.
13 You can answer.

14 A It's our school district. That would be a big
15 deal, yes.

16 Q It got media attention, do you recall that?

17 A I recall some, yeah. I don't -- the details or
18 what year, I can't exactly remember what
19 happened, but at the time there was
20 recognition, yes.

21 Q Prior to that, were you aware of any other
22 school in Norwalk receiving that award?

23 A Not a School of Promise.

24 Q Has any school in Norwalk received that award
25 since then?

1 for the curriculum director position that was
2 posted in 2006?

3 A That's what it appears to be, yes.

4 MR. HIRT: I'm sorry to
5 interrupt. Could I get a copy, please?

6 MS. AHERN: Oh, I'm sorry.
7 I wrote on it.

8 MR. HIRT: That's all
9 right.

10 Thank you. You want to -- okay.

11 Q This is the position that Sue Goodsite was
12 awarded?

13 A Yes.

14 Q Are you familiar with a man named Bob Duncan?

15 A Yes.

16 Q Is he part of the Rotary Club?

17 A No.

18 Q Is he part of the Shakespeare Club?

19 A No.

20 Q He had been the high school principal at one
21 point?

22 A Yes.

23 Q Was it discovered at some point that he was not
24 conducting fire drills?

25 A Yes.

1 Q Was that a problem?

2 A It was a problem, yes.

3 Q How long had it been since -- like what period
4 of time were fire drills not done?

5 A I can't answer that without going back and
6 looking at, you know, some type of
7 documentation.

8 Q Do you recall if it was a matter of years?

9 A I don't believe it was that long, but I
10 couldn't tell you without looking at it.

11 Q Was it also discovered that he was chewing
12 tobacco in the school?

13 A Yes. It was alleged that he was chewing
14 tobacco in school.

15 Q Was that confirmed?

16 A I believe that he was counseled on chewing
17 tobacco and that being inappropriate in the
18 school at the time, but, again, I would have to
19 go back and look at the documents.

20 Q Was it discovered that he was having an
21 inappropriate relationship with another staff
22 member during the time that he was principal of
23 the high school?

24 MR. HIRT: Objection.

25 You can answer.

1 truth, hard work and honesty are not rewarded.
2 I am willing to sit and clarify anything I have
3 said contained within this letter. I know some
4 will treat me very harshly. I am just tired
5 and want all of the favoritism toward men and
6 the 'network' of which I am obviously not a
7 part to stop."

8 Did I read that correctly?

9 A Yes.

10 Q So you understood that -- refreshing your
11 recollection, you understood that she believed
12 that the motivation for this treatment was
13 because of her sex?

14 MR. HIRT: Objection.

15 You may answer.

16 A That was her opinion in the letter.

17 Q There's nothing inappropriate in terms of the
18 tone or what was communicated in this letter,
19 do you agree?

20 MR. HIRT: Objection.

21 You can answer.

22 A No.

23 Q You don't agree?

24 A No.

25 Q Okay. What about the letter was inappropriate?

1 Q How about generally?

2 A I just don't. I don't recall.

3 MS. AHERN: Off the record,
4 please.

5 (Recess taken.)

6 BY MS. AHERN:

7 Q We're back on the record after a lunch break.

8 Mr. Lendrum, this morning we discussed
9 the notion generally of retire and rehire, and
10 I want to kind of put a finer point on that,
11 okay?

12 The term retire/rehire refers to a person
13 who retires for purposes of drawing from their
14 pension. Is that your understanding?

15 A Yes.

16 Q It doesn't mean that they've retired from
17 working?

18 A Not necessarily.

19 Q Okay. Some people retire and draw a pension
20 and stop working, is that your understanding?

21 A It's a personal choice.

22 Q Some people retire for purposes of drawing
23 their pension and continue to work?

24 A Yes.

25 Q Okay. Am I correct in understanding that the

1 Norwalk City School District throughout your
2 tenure has had a number of individuals who have
3 retired for purposes of taking pension and then
4 were rehired by the district into another
5 position? Or into the same position?

6 A Correct.

7 Q There's nothing legally that prevents a person
8 from doing that, is that correct?

9 MR. HIRT: Objection.

10 You can answer.

11 A Not to my knowledge.

12 Q There's no prohibition against it?

13 A Not to my knowledge.

14 Q Are you familiar with a person named Dave
15 Rehnborg?

16 A Yes.

17 Q Is he a person who was a retire/rehire?

18 A Yes.

19 Q He was a retire/rehire for -- he was in that
20 rehire situation for a number of years, is that
21 correct?

22 MR. HIRT: Objection.

23 You can answer.

24 A It was more than one. I'm not sure how many
25 years it was.

1 Q Is he still in that situation?

2 A No.

3 Q Okay. How about a person named Bob Gullett,
4 are you familiar with him?

5 A Yes.

6 Q He was a high school math teacher?

7 A Yes.

8 Q Is it your recollection that he was a
9 retire/rehire for a number of years?

10 A Yes.

11 Q Do you know how many years?

12 A I couldn't recall the exact number of years,
13 no.

14 Q How about Paul Hiszem? I may be saying that
15 wrong. Are you familiar --

16 A Close enough that I know who you're talking
17 about.

18 Q Okay. He's a school psychologist?

19 A Yes.

20 Q Okay. Was he a person who was in a
21 retire/rehire situation?

22 A Yes.

23 Q Do you know how long that situation lasted?

24 A I couldn't tell you the exact number of years.

25 I know it was more than one.

1 Q Sandusky is a community that's nearby Norwalk,
2 correct?

3 A About 16 miles. Yes.

4 Q Do you have any understanding as to whether
5 their superintendent has been on a
6 retire/rehire?

7 A I have no knowledge of Sandusky at all.

8 Q All right. How about EHOVE's superintendent?
9 And that's E-H-O-V-E.

10 A I have nothing to do with that. No knowledge
11 there either.

12 Q You don't know?

13 A No.

14 Q All right. So kind of marching through things
15 chronologically, is it your recollection that
16 Wayne Babcanec and Michael Gordon retired at
17 the same time?

18 A Close to each other, yes.

19 Q Is it your recollection that that happened in
20 about 2009?

21 A I have to take your word on that one. I can't
22 remember if it's 2009 or 2010.

23 Q All right. Let's look at a document that might
24 help.

25 (Plaintiff's Exhibit 20 was marked.)

1 Q Lendrum 26.

2 Do you recognize Lendrum 26 as an email
3 exchange between Steve Linder, Denny Doughty,
4 and the remainder of the Board?

5 A Yes.

6 Q Steve Linder's talking about some cost savings
7 that might be associated with retire/rehire as
8 it relates to teachers?

9 A Yes.

10 Q And then in the top, you respond, correct?

11 A Yes.

12 Q You say in the middle of that paragraph, "We
13 can argue the dollars but it appears we have a
14 fundamental difference on rehires as a matter
15 of policy."

16 And then you write, "While every
17 situation is different, when it makes sense for
18 the district to rehire we have to look at it.
19 In my opinion this could be financial or
20 because the person has a set of skills we
21 need."

22 Did I read that correctly?

23 A Yes.

24 Q Was that your opinion?

25 A At the time I wrote it, that was my opinion,

1 yes.

2 Q Does that remain your opinion?

3 A Yes. While every situation is different, you
4 have to look at each case individually.

5 (Pleading's Exhibit 27 was marked.)

6 Q Turning to Lendrum Exhibit 27.

7 Let me know when you're ready.

8 A Okay. I'm ready.

9 Q Do you recognize Lendrum Exhibit 27 as an email
10 from Denny Doughty to the Board regarding the
11 assistant superintendent position in July of
12 2011?

13 A Yes.

14 Q So this is after Crooks had left?

15 A Yes.

16 Q He was advocating that as an option that the
17 curriculum director and assistant
18 superintendent position could be combined?

19 A Yes.

20 Q Did you agree that doing so was a potential
21 cost savings?

22 A Yes.

23 Q Steve Linder at the top writes, "I see a
24 potential savings of nearly \$100,000."

25 Do you see that?

1 Do you recognize Lendrum 35 as the job
2 description that applies to the superintendent
3 position?

4 A Yes.

5 Q Turning to where it says "Minimum
6 Qualifications" and "Physical Requirements."

7 A Yes.

8 Q Do you agree that Sue Goodsite meets those
9 minimum qualifications?

10 A Yes.

11 Q And physical requirements?

12 A Yes.

13 Q A decision was made in 2014 to utilize the
14 services of North Point Educational Service
15 Center to help fill the superintendent
16 position, is that correct?

17 A Yes.

18 Q So you were working with Doug Crooks again?

19 A Yes.

20 Q Do you have a good relationship with Doug
21 Crooks?

22 A I think so.

23 (Plaintiff's Exhibit 36 was marked.)

24 Q I'm handing you what's been marked as Lendrum
25 36.

1 (Plaintiff's Exhibit 37 was marked.)

2 Q I'm handing you what's been marked as Lendrum
3 Exhibit 37.

4 Do you recognize Lendrum Exhibit 37 as
5 Sue's application?

6 A It appears to be so.

7 Q Did you review it at the time that you received
8 it?

9 MR. HIRT: Objection.

10 You can answer.

11 A I reviewed the application that I was given at
12 the time, yes.

13 Q Would you agree that Sue has impressive
14 educational credentials?

15 MR. HIRT: Objection.

16 You can answer.

17 Q In terms of her own education and schooling.

18 MR. HIRT: Objection.

19 You can answer.

20 A Yes.

21 Q Do you agree that Sue had impressive community
22 leadership activities?

23 MR. HIRT: Objection.

24 You can answer.

25 A And the definition of "impressive" is?

1 Q Well, did you find --

2 A Sue had significant leadership activities
3 outside of the school.

4 Q Did you review the performance evaluations that
5 Sue submitted in connection with her
6 application?

7 A I reviewed everything that was in the
8 application that was given to me, yes.

9 Q Would you agree that her performance
10 evaluations were favorable?

11 A Yes.

12 Q Do you agree that Sue had a long history of
13 employment to the Norwalk City School District?

14 A Yes.

15 Q Would you agree that Sue had significant ties
16 to the Norwalk community?

17 A Yes.

18 Q Did you understand that Sue really wanted the
19 job of superintendent?

20 MR. HIRT: Objection.

21 You can answer.

22 A Yes.

23 Q During the time that Sue was assistant
24 superintendent and curriculum director, are you
25 aware of any task that she did not complete to

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1 proficiency?

2 MR. HIRT: Objection.

3 You can answer.

4 A I don't know what the term "proficiency" means.

5 She performed her job well.

6 Q Okay. I'm just wondering if there was anything
7 in her performance of that role that you recall
8 as lacking.

9 A No.

10 Q So the process for this search was that the
11 applicants had to send their application
12 packets to North Point Educational Service
13 Center, is that correct?

14 A Yes.

15 Q According to the job posting that is Lendrum
16 36, the application deadline was June 27, 2014?

17 A Yes.

18 Q And then the North Point Educational Service
19 Center compiled all of the applications, is
20 that correct?

21 A Yes.

22 Q Did they send the applications to the school
23 board?

24 A Yes. They made a presentation.

25 Q All right. They came and they presented the

1 Sue Carlson is likely going to take the EMIS
2 job at Perkins. An \$11,000 increase. That
3 will be another hard hole to fill. Scott Ford
4 saw Denny and said he would be at the meeting
5 Tuesday to encourage the Board to hire Sue as
6 Superintendent. See you Tuesday evening if not
7 before."

8 Did I read that correctly?

9 A Yes.

10 Q Would you agree that the resignation of Sue
11 Carlson is business pertaining to the Board?

12 MR. HIRT: Objection.

13 You can answer.

14 A At that point it was information that I had,
15 but it's not an action.

16 Q It's not a discussion about matters that affect
17 the Board?

18 MR. HIRT: Objection.

19 You can answer.

20 A I don't consider it that.

21 Q Who's Scott Ford?

22 A Scott Ford is a community member.

23 Q Does he have any connection to the schools?

24 A A former teacher.

25 Q Did he come to the meeting to advocate the

1 hiring of Sue as superintendent?

2 A He came to a meeting and advocated for Sue to
3 be hired. I don't remember whether it was 2014
4 or 2015.

5 (Plaintiff's Exhibit 40 was marked.)

6 Q Lendrum 40.

7 Does Lendrum 40 refresh your
8 recollection --

9 A Yes.

10 Q -- that it was 2014 when Scott Ford appeared at
11 the Board meeting to advocate hiring Sue?

12 A Yes.

13 Q Did you have any reason to doubt anything that
14 Scott Ford was saying at that meeting?

15 MR. HIRT: Objection.

16 You can answer.

17 A No.

18 Q Was there any other candidate that got public
19 support during the 2014 search?

20 MR. HIRT: Objection.

21 You can answer.

22 A I don't believe there was anybody else that had
23 public participation support for the position.

24 Q By June 14, is it fair to say that you knew
25 that Sue Goodsite would be applying for the

1 Q He had been sued?

2 A There was some pending litigation that he was
3 related to in his time as a superintendent, and
4 the Board did not want to go down that road.

5 Q My question is: Was he the person who brought
6 the litigation or --

7 A No.

8 Q Okay. The litigation was brought against him?

9 A My recollection is that it was
10 misconduct-related.

11 Q Looking back at Lendrum Exhibit 38, the
12 superintendent search log, is it fair to say
13 that Will Folger did not go through the
14 application process in the manner that these
15 applicants who are on 38 did?

16 MR. HIRT: Objection.

17 You can answer.

18 A Will did not go through this process, no.

19 (Plaintiff's Exhibit 43 was marked.)

20 Q I'm handing you what's been marked as Lendrum
21 Exhibit 43.

22 Do you recognize Lendrum Exhibit 43 as a
23 newspaper article --

24 A Yes.

25 Q -- from July 13, 2014?

1 A Yes.

2 Q Was it true that Patrick Colucci did not want
3 you to call his current employer?

4 A He had asked that his current employer -- my
5 recollection is he asked his current employer
6 not be called unless he was on a -- what's the
7 word I'm looking for. A finalist.

8 Q Okay. Did you abide by that request?

9 A I believe so.

10 Q So turning back to Lendrum 49, is it your
11 recollection that your first interview with Sue
12 Goodsite did occur on July 15?

13 A I think that's probably correct. Without
14 seeing the supporting document, that sounds
15 right.

16 Q Do you know if you took notes of that meeting?

17 A Whatever notes I had from that, I provided.

18 Q That's not my question.

19 My question is: Did you take notes
20 during Sue Goodsite's interview?

21 A I'm sure that I did.

22 Q Were the notes on a notepad or a notebook or
23 loose pieces of paper? How were they kept?

24 A Probably a combination of all three.

25 (Plaintiff's Exhibit 56 was marked.)

1 A No.

2 Q "36 years here" is the next line?

3 Is that right?

4 A Yes.

5 Q She's referring to her time in Norwalk?

6 A Yes.

7 Q Next line, it says, "Loyal"?

8 A Yes.

9 Q And then it says, "unless writing letters"?

10 A Yes.

11 Q Is that a reference to the 2008 letter?

12 A I don't know that.

13 Q Do you know what that refers to?

14 A No.

15 Q Are you aware of any other letter that Sue

16 Goodsite sent you?

17 A Over the course of the time I'm on the Board,

18 there was quite a bit of correspondence from

19 Sue, but I'm not -- I don't know if that

20 relates to a specific one or not.

21 Q It says, "Impressed with district loyalty"?

22 A Yes.

23 Q Was that your impression?

24 A I don't know what the thought was when I wrote

25 that.

1 Q It says, "2008 threatened lawsuit. Coached on
2 answer"?

3 A Yes.

4 Q Was she asked about threatening a lawsuit in
5 2008?

6 A My recollection is that it was brought up in
7 the interview.

8 Q Who brought it up?

9 A I don't remember.

10 Q What about her --

11 A I remember discussing it.

12 Q What was discussed?

13 A The 2008 document.

14 Q The April letter --

15 A Yes.

16 Q -- that we looked at this morning?

17 A And my recollection is that she addressed that
18 in her interview.

19 Q Why was that relevant to your hiring in 2014?

20 MR. HIRT: Objection.

21 You can answer.

22 A My recollection is that she thought it was
23 important that that be explained. I don't
24 believe the Board brought it up.

25 Q Well, then how would she be coached on an

1 Q Do you recall why he said he would not
2 recommend Sue?

3 A He told me that he felt she was just not right
4 for the position of superintendent.

5 Q Did he elaborate?

6 A He told me that he thought she was a good
7 curriculum director but that she didn't have
8 some of the skill sets needed to do the other
9 things a superintendent had to do.

10 Q Did he say which skill sets she lacked?

11 A I think it was related to interpersonal.

12 Q Do you definitely recall that?

13 A I could not give you a list of five things that
14 he gave me during the conversation.

15 Q Could you give me a list of any of the things?

16 A His recommendation was that she should not be
17 hired as superintendent.

18 Q Did it weigh into your -- the way you evaluated
19 that recommendation that Sue had accused him of
20 being discriminatory towards her?

21 MR. HIRT: Objection.

22 You can answer.

23 A I don't believe so, because we didn't talk
24 about that. It was just his opinion.

25 Q Anything more specific that you recall about

1 the content of his conversation, with Doughty.

2 A Denny and I had a conversation. He did not
3 believe that Sue was prepared to be
4 superintendent, and some of the reasons he
5 cited were that she was very good in her
6 current job position as curriculum director and
7 doing what she was doing, she did a nice job of
8 that, but he doubted that she had the
9 experience or temperament to deal with some of
10 the hard issues that a superintendent was
11 required to do, which included, you know,
12 negotiations, financial, dealing with some of
13 the people issues. He just didn't think that
14 she was ready for that. It was not a comment
15 on her current job performance or what she was
16 doing, that was just his opinion.

17 Q Did he use the word -- did he say "She's not
18 qualified" or did he say "She didn't have the
19 experience and temperament"?

20 A I don't recall him using the phrase "not
21 qualified."

22 Q Okay.

23 A But in the course of our conversation, it was
24 clear to me that he would not recommend her for
25 the superintendent's position.

1 Q For the reasons that you've already cited?

2 A Yes.

3 Q Were there any other reasons that he cited?

4 A I don't recall there being anything else in the
5 conversation.

6 (Plaintiff's Exhibit 60 was marked.)

7 Q Lendrum 60.

8 You then asked him to share his comments
9 with the rest of the Board?

10 A Yes.

11 Q Is there anybody else that you talked to with
12 respect to whether they would recommend Sue
13 Goodsite for the position of superintendent?

14 A Virginia Poling.

15 Q Okay. You talked to her personally?

16 A Yes.

17 Q Where?

18 A I spoke to her at a Rotary Club meeting.

19 Q Okay. Virginia Poling had never worked with
20 Sue while she was in Central Office, right?

21 A Virginia was superintendent when Sue was
22 principal at Pleasant Street. There was some
23 time lag there. I don't think Sue had yet. We
24 went through that earlier. I can't remember
25 the date. I don't know if Sue -- I don't

1 believe Sue had gone from Pleasant Street to
2 the Central Office before Virginia retired.

3 Q Okay. So --

4 A So it would have been as a building
5 administrator.

6 Q Virginia's most recent experience with Sue
7 would have been in 2002, is that your
8 recollection?

9 MR. HIRT: Objection.

10 You can answer.

11 A Virginia retired in 2002, yes.

12 Q Do you know whether she had any professional
13 interaction with Sue in the 12 years between
14 her retirement and this application?

15 A I wouldn't have any way of knowing whether she
16 talked to Sue or not.

17 Q How is it that you came to talk to Virginia
18 Poling about Sue's candidacy? You saw her at
19 the meeting and you asked?

20 A I did not ask. She told me.

21 Q Okay. What did she tell you?

22 A She told me that she did not think that Sue
23 would make a good superintendent.

24 Q Did she say why?

25 A She said that she thought she did not deal with

1 people very well and that she would not be
2 someone that would be able to handle all of the
3 aspects of the district, that she was very good
4 at doing some things, but that she would not be
5 a person that could do the entire job and what
6 was required of it.

7 Q Was there anybody else there when you had this
8 conversation?

9 A There were other people in the room, but I
10 don't know if anybody was part of the
11 conversation.

12 Q So you were in a big open room having this
13 conversation with her?

14 A We were sitting at lunch.

15 Q Okay. With all of the other Rotary Club
16 members?

17 A Table conversation.

18 Q Anything else that Virginia Poling said
19 regarding Sue Goodsite's candidacy?

20 A No.

21 Q Do you remember when this conversation
22 occurred?

23 A I cannot give you an exact date, but it had to
24 be at some point when this -- after the
25 candidates were announced.

1 Q Is there anybody else that you talked to about
2 Sue's candidacy?

3 A Not specifically about her candidacy, no.

4 Q Okay. About anything else relating to Sue?

5 A No.

6 Q And then at some point you had the applicants
7 back for second interviews, is that correct?

8 A Yes.

9 Q You had all three applicants back for second
10 interviews?

11 A That's my recollection, yes.

12 (Plaintiff's Exhibit 61 was marked.)

13 Q Lendrum Exhibit 61.

14 This is an email between you and Doug
15 Crooks regarding second interviews?

16 A Yes.

17 Q At the bottom, it indicates that they were set
18 for interviews on July 22, Jim and Patrick
19 were?

20 A Yes.

21 Q He informed them of the topics that you wanted
22 to discuss?

23 A Yes.

24 Q So they were aware of some of the questions
25 that they would be asked before they were asked

1 example, "How do you bring the unwilling or
2 incapable along?" That's a pretty consistent
3 question I was asking. So some of this is
4 probably from the 7/22 interview.

5 Q Who's Todd Porcello?

6 A I don't know if it was a reference. I
7 jotted -- that's something that might be after
8 the fact. And I think the scribble at the
9 bottom might be from after the fact, but I'm --
10 I can't say with any certainty what this is
11 saying.

12 Q Do you recall calling Sue Goodsite on July 26,
13 2014, which was a Saturday, and leaving a
14 voicemail message?

15 A Sorry. I --

16 Q Here. You don't have to take my word for it.
17 That's the day of the week.

18 A I'm just trying to get the days of the week
19 straight. I called her on a Saturday after
20 Board -- yes. I called her on Saturday. I did
21 not get her.

22 Q What are you looking at on your phone, out of
23 curiosity?

24 A The date on the calendar to make sure that was
25 a Saturday.

1 Q Okay. And you left a voicemail message?

2 A Yes.

3 Q Okay. And then she returned your call on
4 Sunday, July 27?

5 A Yes.

6 Q Do you have notes from that conversation?

7 A I do not. There were no notes taken of that
8 conversation.

9 Q What was the purpose of that call?

10 A That call was to tell her that it appeared that
11 we were going to some type of interim situation
12 because we did not have a clear superintendent
13 choice.

14 Q So this was after Millet had declined?

15 A Yes. That was on Saturday morning in a
16 conversation that Ralph Ritzenthaler and I had
17 with him at the Board office. He declined.

18 Q So Millet came to the Board office?

19 A No.

20 Q Okay.

21 A The Board met on Saturday and Ralph and I were
22 to get there early, talk to Millet and go over
23 an offer and iron out the details. And our
24 intent was to try and have that discussion with
25 him on Saturday and arrive at a Board consensus

1 morning, I had not made a decision.

2 Q What happened next?

3 A The Board decided we needed to check out the
4 interim. We had a discussion about Sue. We
5 had a discussion about Will Folger, which at
6 that point nobody had talked to, nobody had
7 seen face-to-face, nobody knew anything. We
8 decided that we needed to interview him and
9 talk to him.

10 I was told to call Sue, which we tried to
11 do before the Board left. The message that I
12 left her on Saturday was from the Board office.
13 That was with the Board members there.

14 She called me back on Sunday morning and
15 the question was the same that we asked
16 earlier: Would you accept an interim, if so,
17 you know, salary, one-year contract, the whole
18 nine yards. And that's what I was asked to
19 follow up.

20 Q Did you mention to her that Will Folger was
21 being considered as an assistant
22 superintendent?

23 A I told her that we were going to interview Will
24 Folger.

25 Q Did you understand that -- did you tell her

1 that you were interviewing Will Folger for an
2 assistant superintendent position?

3 A I don't recall my exact wording, but I told her
4 that at that time no decision had been made by
5 the Board. I asked her would she be willing to
6 serve as an interim and that Will Folger was
7 going to be interviewed.

8 Q Did you tell him what position he was being
9 interviewed for?

10 A I don't recall when I talked to Will if he was
11 told specifically what he was being interviewed
12 for.

13 Q Did you have another call with Sue the
14 following day?

15 A I had a call with Sue on Sunday.

16 Q Okay. What about Monday? Do you recall Sue
17 called you on Monday?

18 A The calls run together. I remember Sue -- I
19 don't remember if it was Sunday or Monday that
20 Sue and I spoke again. She asked me if she
21 needed to come back, if she needed to be
22 present for the Board meeting. She was on
23 vacation in southern Ohio. She asked me if she
24 needed to be present for the Board meeting
25 where Will was coming in to talk to the Board.

1 Did she need to come back for that, was there a
2 reason for her to come back for that. My
3 recollection is I told her he was coming for an
4 interview and there would not be any action
5 taken at that meeting and that she did not need
6 to come back from vacation to do that.

7 Q Do you recall when you talked to her on the
8 Sunday that you were on the golf course?

9 A Yes.

10 Q Do you recall telling her that she should
11 follow up the next day because you needed to
12 review your notes that you didn't have with you
13 on the golf course?

14 A I remember telling her that I was on the golf
15 course and that she should call me on Monday
16 when she had time.

17 Q Do you recall telling her that you wanted to
18 have your notes in front of you to make sure
19 that you hadn't missed anything?

20 A I don't remember that specifically.

21 Q Do you recall telling Sue that as interim
22 superintendent, all decisions regarding the
23 district would end -- if she got the position,
24 would end on her desk?

25 A Say what now?

1 Q Do you recall telling Sue that all final
2 decisions regarding the district would end at
3 her desk?

4 MR. HIRT: Objection.
5 That's a different question than the one you
6 just asked.

7 MS. AHERN: It is a
8 different question.

9 A If she got which job now?

10 Q Let me ask you this: Do you recall using words
11 to the effect, regardless of the position, "All
12 decisions regarding the district will end at
13 your desk"?

14 MR. HIRT: Objection.

15 A I don't recall that language. I'm not sure
16 what context you're talking about or why.

17 Q Do you --

18 A I'm not sure where you're going with that
19 question.

20 Q Do you recall telling Sue that there would be
21 no need for her to attend the Board meeting
22 because it would be a five-minute meeting, or
23 words to that effect?

24 A What I recall telling her was the meeting where
25 Will Folger was coming in, that there would be

1 no action taken and that there wouldn't be any
2 other business done at the meeting other than
3 him coming in, so there would be no reason for
4 her to come back. There were not going to be
5 any other business conducted other than Will
6 Folger coming in related to her hire.

7 (Plaintiff's Exhibit 74 was marked.)

8 Q Lendrum 74.

9 Do you recognize Lendrum 74 as an email
10 exchange between you and Doug Crooks?

11 A Yes.

12 Q Dated July 28, 2014?

13 A Yes.

14 Q So that was a Monday?

15 A Yes.

16 Q He's saying, "What's the word on the
17 superintendent?"

18 A Yes.

19 Q You respond, "I will call you too lengthy to
20 write."

21 A Yes.

22 Q Do you recall what you talked about with him?

23 A He knew we were meeting Saturday, and I think
24 he fully expected we would have had a decision
25 on Saturday. And that's what he wanted to

1 know, was there a decision. And I just told
2 him it would be easier to call you than it is
3 to write it to relate to him what had happened.

4 (Plaintiff's Exhibit 75 was marked.)

5 Q I handed you what's been marked as Lendrum 75.

6 Are those your notes?

7 A Yes.

8 Q Are these your notes of your interview with
9 Will Folger on July 28?

10 A Again, there may be some things that are
11 written on here after the 28th.

12 Q Okay. It says, "Retire rehire double dip."

13 A Yes.

14 Q Will Folger was in a retire/rehire situation?

15 MR. HIRT: Objection.

16 You can answer.

17 A Yes. He had retired.

18 Q Is that what that refers to, that note?

19 A Yes.

20 Q It says, "JD current."

21 Was that the question?

22 A He has a juris doctor.

23 Q But it was not active?

24 A It was not active, right. He had a degree in
25 education law and he was not currently

1 practicing.

2 Q Do you know if he ever practiced?

3 A I believe he did for a brief while, but I
4 couldn't swear to that.

5 Q The next line says, "Current law, education
6 side."

7 Do you know what that means?

8 A I think it was in relation to his degree. I'm
9 not sure what that ...

10 Q What does the next line say?

11 A "Interim - easier for change and to clean up."

12 Q What does the next line say?

13 A "Work for five of us, not just one."

14 Q Was that his response to the question about
15 whether he would be okay with a split Board?

16 A Yes.

17 Q Do you recall --

18 A I believe so.

19 Q Go ahead.

20 A Yes, I believe so.

21 Q Do you recall Will Folger being asked about
22 whether he would serve in the role as assistant
23 superintendent if Sue were named interim
24 superintendent?

25 A I believe he was asked that before this

1 meeting.

2 Q And he was agreeable to that?

3 A He was agreeable to serve in whatever capacity
4 he was needed was my understanding.

5 Q Do you recall he said "If I work as assistant
6 superintendent, I want the salary that Sue
7 Goodsite has" and "If I work as superintendent,
8 I want the salary that Denny had"?

9 A I don't recall that specifically, no.

10 Q It says, "Denny at 110."

11 A Yes.

12 Q That was Denny's salary?

13 A Yes.

14 Q And then "127 pickup pickup - 133, 134."

15 A Yes.

16 Q What's that?

17 A I think that would have been if there were
18 pickup, what those dollar amounts would come
19 out to, his total compensation.

20 Q Okay.

21 A But I'm not sure where that was scribbled from
22 or who did the math or whether that was done at
23 the time or done later.

24 Q What does the next line say?

25 A "Selling community" and "assistant super left."

1 And I'm not sure what context that was in.

2 Q That's not a reference to Sue Goodsite?

3 A No. No.

4 Q That's him talking about a previous experience?

5 A I think it was a previous experience or
6 something. That doesn't relate to Sue.

7 Q It says, "Adjourn 2140."

8 "Out 2150."

9 Is that military time for when the
10 meeting ended?

11 A Yes.

12 Q And then it says, "Call Sue."

13 But you don't -- do you know whether the
14 "Call Sue was" written at that time?

15 A I do not know if it was written at that time or
16 not.

17 Q Do you recall that there was a reporter at the
18 meeting when Will Folger was?

19 A I think Cary Ashby was there, but I couldn't
20 swear to that.

21 (Plaintiff's Exhibit 76 was marked.)

22 Q Lendrum 76.

23 Do you recognize Lendrum 76 as a --

24 A Featured product of the month?

25 Q No.

1 A Yes.

2 Q It says, "John

3 Excellent work on your selection of the
4 superintendent. Dr. Folger will do a very good
5 job for the" residents, it's a grammatical
6 mistake, but "the residents of Norwalk."

7 A Yes.

8 Q What does your reply to him mean?

9 A I think it's misspelled. I think I say "I'll
10 call you. I'd like to talk through this one."

11 Q At that point what was there to talk about?

12 A At that point I think I was trying to close the
13 loop on the process and what would be done.
14 And, you know, there had been a selection made,
15 so I'm not sure that there was anything else to
16 talk about, but obviously I said I'd call him.

17 (Pleading's Exhibit 81 was marked.)

18 Q Lendrum 81.

19 Do you recognize Lendrum 81 as an email
20 that was forwarded to you from Rob Ludwig?

21 A Yes.

22 Q Melissa James was the president of the Chamber
23 of Commerce?

24 A Yes.

25 Q Is she someone that you know in the community?

1 review, cut and paste in.

2 Q Was it finalized?

3 A I don't believe this was ever finalized.

4 Q Do you know why?

5 A I suspect that it was just overcome by events.

6 There were copies of it kicking around and to

7 my knowledge, it never became final.

8 Q So was it ever given to Folger?

9 A He may have seen a copy of it.

10 Q Did you give him a copy of it?

11 A I may have.

12 Q Do you recall as you sit here today?

13 A Can I say for sure that I gave him a copy of

14 it, no.

15 (Plaintiff's Exhibit 84 was marked.)

16 Q Lendrum 84.

17 Do you recognize this as Will Folger's

18 employment application?

19 A Yes.

20 Q Is this the first time that he made application

21 to the district?

22 A Yes.

23 Q He did not have to go through North Point, is

24 that correct?

25 A He did not go through North Point, no.

1 role as an assistant superintendent/curriculum
2 director?

3 A Yes.

4 Q Did she do a good job during that school year?

5 A She did the things that she needed to do, you
6 know, to perform her job. She kept things
7 moving. She attended meetings.

8 You know, I don't have anything that --
9 in the course of Dr. Folger's time, she had
10 some constraints because of her contract days.
11 So, you know, it wasn't that she was there
12 every day, but that was understood when she was
13 hired. And the length of the contract she was
14 on.

15 So, you know, she was creative about how
16 she had to cover the days she needed to cover
17 in order to meet her objectives. I don't --

18 Q So you don't have any criticisms in the way she
19 performed in that year?

20 A No. I don't have something specific in that
21 year, no.

22 Q Was there any intention of employing Sue beyond
23 that year?

24 MR. HIRT: Objection.

25 You can answer.

1 A I don't recall any discussion about employing
2 her beyond that year. She was in the second
3 year of retire/rehire, and I don't recall any
4 discussion at the time that Will was hired
5 about a contract longer than a year.

6 Q My question wasn't about whether there was
7 discussion. My question is whether there was
8 any intention of keeping her beyond that year.

9 A I don't recall any intention or discussion on
10 hiring her beyond that year at the time she was
11 hired.

12 Q You understood, though, that Sue wanted to
13 continue on with the district, is that correct?

14 MR. HIRT: Objection.

15 You can answer.

16 A She had told us that she wanted to continue on
17 in the district.

18 Q And then she applied for the 2015
19 superintendent job?

20 A Yes, she did.

21 Q That was an indication she wanted to continue
22 on with the district?

23 A Yes.

24 Q Do you think that when she applied for the job
25 in 2015 she really wanted the job?

1 MR. HIRT: Objection.

2 You can answer.

3 A I don't think she would have applied if she
4 didn't want it.

5 Q In 2015 you decided to use the Ohio State --

6 A Ohio School Boards Association.

7 Q Ohio School Boards Association?

8 A Yes.

9 Q You worked with a woman named Cheryl Ryan who
10 coordinated that search?

11 A Yes.

12 Q Do you recall that Cheryl Ryan and the Ohio
13 School Boards Association put together a time
14 frame for the hiring process?

15 A Yes.

16 (Plaintiff's Exhibit 90 was marked.)

17 Q I'm handing you what's been marked as Lendrum
18 90.

19 Do you recognize that as the time frame
20 that was developed?

21 A I believe it has to be. I don't recall it
22 specifically, but there was a time length
23 involved. I don't know if we stuck to this
24 when it was final said and done, but this was
25 the plan.

1 presented with this. I remember her going
2 through each individual candidate, but I don't
3 remember what she had for numerical ranking or
4 order of each candidate.

5 Q Okay.

6 A If you have that, I would be happy to look at
7 it.

8 (Plaintiff's Exhibit 98 was marked.)

9 Q Lendrum 98.

10 A I bet you just so happen to have it.

11 Q Have you seen Lendrum 98 previously?

12 A This looks more like it.

13 Q Lendrum 98 is a consolidated list of the
14 applicants, is that correct?

15 A Yes.

16 MR. HIRT: Objection.

17 You can answer.

18 Q Are those the candidates that she recommended
19 be interviewed?

20 A This was who they felt fit what we needed, that
21 we should recommend -- or that we should
22 interview, yes.

23 Q Now looking at that where it says under "Jay
24 Arbaugh," for instance, it says, "Scored 1, 1-,
25 1-."

1 Do you see that?

2 A Yes.

3 Q Does that refresh your recollection as to
4 whether she had numerical rankings for at least
5 some of the candidates?

6 MR. HIRT: I'm going to
7 object.

8 You can answer.

9 A I don't remember.

10 Q Is it fair to say that the numerical rankings
11 that OSBA assigned, if they assigned them, did
12 not play much of a role in your decision
13 making?

14 MR. HIRT: Objection.
15 You've not established that they did a
16 numerical ranking.

17 MS. AHERN: I said "if."

18 A OSBA went through and screened it. They gave
19 us these numbers and then the Board got the
20 packet. We listened to her, and then the Board
21 made a determination of who they were going to
22 interview. I'm not sure that I have a context
23 of what the numbers meant.

24 Q Under "George Fisk," among other things, it
25 says, "Mid career."

1 interviewees appears?

2 A Yes.

3 Q Does that refresh your recollection as to how
4 many people were selected for interviews?

5 A Yes.

6 Q The second page, it says, "Following that
7 meeting, board president John Lendrum shared
8 with the Reflector what he and the rest of the
9 board were looking for in the applicants."

10 Did I read that correctly?

11 A Yes.

12 Q It says, "The board wanted longevity before
13 retirement."

14 Is that an accurate quote?

15 A Yes.

16 Q The next page, it says in quotes, "'One of the
17 things that came out of the community meetings
18 was some longevity ... not someone who would be
19 here two years and be out,' Lendrum said."

20 A Yes.

21 Q Is that an accurate quote?

22 A Yes.

23 Q Then it goes on to say -- skip a paragraph.

24 "'We're looking at someone mid-career,' Lendrum
25 said."

1 A Yes.

2 Q This was after George Fisk had started?

3 A Yes.

4 Q And then it says, "The Assistant Super is our
5 next challenge as we need to get something in
6 place for the fall."

7 A Yes.

8 Q Did you understand on June 5, 2015 that Sue
9 Goodsite would not be remaining in that role?

10 A No.

11 Q Then what did you mean by "we need to get
12 something in place for fall"?

13 A Because we didn't have anybody.

14 Q Okay. What about Sue?

15 A Well, at that point she's on a one-year
16 contract.

17 Q She could have been renewed, though, right?

18 A She could have --

19 MR. HIRT: Objection.

20 You can answer.

21 A Yes, she could have been, but at that point she
22 wasn't yet.

23 Q Did the Board ever ask her if she would
24 consider staying?

25 A She made it known on numerous points in time

1 that she would stay.

2 Q That she would stay?

3 A Yes, that she would stay. The Board was aware
4 that she would stay.

5 Q And the Board chose to not have her stay?

6 MR. HIRT: Objection.

7 You can answer.

8 A The Board did not offer a contract for her to
9 stay, no.

10 Q Why?

11 MR. HIRT: Objection.

12 You can answer.

13 A The superintendent, Mr. Fisk, did not recommend
14 that. He recommended changing from an
15 assistant superintendent to a director of
16 operations. Reorganized where it traditionally
17 would have been the functions and duties within
18 the superintendent's office, the way things had
19 been done in the past, and he had a plan that
20 he thought was a better way to operate the
21 district. And the Board supported that.

22 Q Was Sue considered for the director of
23 operations position?

24 A I was not part of discussion where we had that
25 discussion, no.

1 Do you recognize Lendrum 106 as a letter
2 that you received from Sue Goodsite?

3 A Yes.

4 Q You and the rest of the Board --

5 A Yes.

6 Q -- and Mr. Fisk?

7 A Uh-huh.

8 Q Did you respond to this letter?

9 A I don't recall if I responded to it or not.

10 Q Do you know if anybody did?

11 A I have no knowledge if anybody else did or not.

12 Q Mr. Fisk applied to leave the district for
13 another position shortly after he accepted the
14 position with Norwalk?

15 A Yes.

16 Q He didn't get that job?

17 A He withdrew.

18 Q He withdrew or he wasn't selected?

19 A My understanding was that he withdrew.

20 Q Huh. My understanding was that he wasn't
21 selected.

22 Where is your understanding from?

23 A I was never told that there was a selection
24 process and he was not selected.

25 Q If the documents from -- well, you understood

1 that the district he applied to was North
2 Canton?

3 A Yes.

4 Q If the documents from North Canton show that he
5 was not selected, would that surprise you?

6 A I've never seen North Canton documents so ...

7 Q I'm just trying to understand where your
8 understanding that he withdrew came from.

9 A I don't recall having the conversation with him
10 about nonselection. Or maybe somebody else on
11 the Board did.

12 Q Do you know where you got the impression that
13 he withdrew?

14 A I believe it was in a Board meeting, but I
15 can't -- I don't remember that for sure.

16 Q After he applied for that position, he was
17 given a \$27,000 pay increase, is that correct?

18 A He had an agreement in the second year of his
19 contract, I don't know what the dollar figures
20 were, but his contract that he was hired under.

21 Q Did it concern you that he broke contract with
22 East Palestine?

23 MR. HIRT: Objection.

24 You can answer.

25 A That was discussed during the interview

1 Q Do you recognize this as the affidavit that you
2 signed on June 1, 2015?

3 A Yes.

4 Q Do you know who Debra Schneider is?

5 A She's a notary in my office.

6 Q She's somebody who works for you?

7 A Yes.

8 Q You understood the importance of telling the
9 truth in connection with this affidavit?

10 A I understood the importance of telling the
11 truth as I knew it at the time I made the
12 statement, yes.

13 Q Did you understand that this was a document
14 that was going to be submitted to the federal
15 government to rebut Sue Goodsite's EEOC charge?

16 A Yes.

17 Q Did you review Sue Goodsite's EEOC charge?

18 A I read it.

19 Q At the time that it was filed or served on the
20 Board?

21 A Yes.

22 (Plaintiff's Exhibit 108 was marked.)

23 Q I'm handing you what has been marked as Lendrum
24 Exhibit 108.

25 Do you recognize Lendrum Exhibit 108 as

1 Sue Goodsite's first EEOC charge?

2 A Yes.

3 Q Do you recall receiving that around April of
4 2015?

5 A I'm not sure of the exact date, but I remember
6 receiving it.

7 Q Did you participate in the Board's or the
8 school district's response to the EEOC charge?

9 A To the extent I was needed to provide
10 documents, yes.

11 Q Did you review it before it was submitted?

12 A The district's response?

13 Q Yes.

14 A No.

15 Q Do you know if anybody did?

16 A I'm sure --

17 MR. HIRT: Objection.

18 You can answer.

19 A I'm sure that counsel reviewed it, but as an
20 individual Board member, I did not.

21 Q Do you know if any Board member reviewed it
22 before it was submitted?

23 A I do not know that.

24 (Plaintiff's Exhibit 109 was marked.)

25 Q Lendrum Exhibit 109.